STATE OF NEW YORK

7197

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the social services law, in relation to enacting the HOPE pilot program; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The social services law is amended by adding a new section 98 to read as follows:

§ 98. HOPE pilot program. 1. As used in this section the following terms shall have the following meanings:

a. "Commissioners" means the commissioner of the office of temporary and disability assistance and the commissioner of health, acting collaboratively.

b. "Eligible pilot community" means a unit of general purpose local government, Indian tribal organization, or an entity that represents a smaller geographical area therein including but not limited to a neighborhood.

c. "Target population" means and includes any individual or household that:

(i) their income is below two hundred percent of the federal poverty level;

(ii) suffers from food insecurity;

(iii) earns insufficient income to ensure food security or economic security;

(iv) lives in a rural, suburban or urban community that suffers from poverty, hunger or food insecurity;

(v) is homeless;

(vi) receives assistance from a state program funded under title IV-A of the federal social security act, relating to temporary assistance to needy families;

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(vii) is eligible for benefits under any federal or state nutrition assistance program or federal or state antipoverty program; or

(viii) is formerly a youth in transition from foster care or the juvenile detention facilities.

d. "Partner not-for-profit organization" means any national, regional, state, or local not-for-profit organization described in section 501(c)(3) of the United States Internal Revenue Code which has tax exempt status under section 501(a) of such code.

e. "Unit of general purpose local government" means any city, county, town, municipality, or other political subdivision of the state, or any combination thereof, which has a building code or similar authority over a particular geographic area of the state.

2. a. The commissioners shall allow eligible entities that apply to such commissioners to carry out health, opportunity, and personal empowerment ("HOPE") accounts pilot projects to enable target populations of individuals to establish through banks, credit unions, and any governmental or Indian tribal organizations, HOPE accounts that enable such individuals to:

(i) have their paychecks deposited directly in such accounts;

(ii) use such accounts to increase savings that would be matched with funds provided by government and private sources, including individual development accounts;

(iii) use an account mobile application on a smart phone to easily locate and sign up for job training and placement services online;

(iv) enable such individuals to use any smart phone, tablet or computer to:

(A) to learn about the public and philanthropic programs that provide benefits to such individuals, including aid to improve health, nutrition, job training and placement, housing, and income;

(B) to receive federal and state tax credits; and

(C) to apply for, submit eligibility documents for, enroll in, and manage the use of such benefits at once through the convenience of their device if individuals or their households are eligible for one or more of such benefits;

(v) to receive a basic smart phone, tablet, or computer, along with a subsidized internet wi-fi access plan, if such individuals do not own a smart phone, tablet or computer;

(vi) to obtain the access and information described in subparagraph (iv) of this paragraph with assistance at libraries, government offices, or not-for-profit agencies if such individuals are uncomfortable using internet technology themselves;

(vii) to obtain access to the information described in subparagraph (iv) of this paragraph, with the assistance of government or not-for-profit employees, AmeriCorps national service participants, or Senior Corps members, to receive home visits if such individuals are elderly or disabled;

(viii) to access health care information that specifies medical benefits, and any out-of-pocket costs, for each of the health plans for which such individuals may be eligible, and to empower such individuals to easily select the plan that works best for them;

(ix) to enable such individuals to file directly, and without expending funds to obtain third-party tax filing services, to obtain federal tax credits and refunds, and with the state and localities with their own supplemental tax credits, to simultaneously file for credits and refunds;

(x) to deposit cash in the account that is set aside for education, job training, starting a business, or buying a home and that would be nontaxable;

(xi) to easily access and monitor, in one central online account to:

(A) to be able to check the status, amounts, and recertification deadlines for some or all their benefits and savings; and

(B) to pay all bills online, saving high check cashing fees and enormous amounts of time;

(xii) to budget resources by using real-time cash flow data and long-term financial planning data, including calculating how much such individuals would lose in interest on credit cards versus how much such individuals would gain in interest by saving more;

(xiii) to access calendar and scheduling functions that enable individuals to keep track of all job search, work, family, and school obligations, as well as any social service filing or appointment dates;

(xiv) to be protected by security and privacy systems so that only such individuals, and not the government, not-for-profit organizations, or banking partners, would be able to see or track private financial and appointment information; and

(xv) notwithstanding other provisions of law, to allow program applicants to easily and clearly authorize their sharing of personal and financial information with multiple government agencies, solely for the purpose of those government agencies enabling the individuals to apply for and utilize government benefits.

b. Pilot projects authorized by paragraph a of this subdivision shall be carried out for a one year period in each of the fiscal years two thousand twenty-four through two thousand twenty-seven.

3. a. The commissioners shall allow eligible entities that apply to such commissioners to carry out HOPE action plans pilot projects to enable target populations of individuals to partner with government and not-for-profit organizations by entering into voluntary agreements to carry out long-term HOPE action plans that:

(i) specify exactly how the parties to such plans will help such individuals and their families earn, learn, and save better in order to ensure greater economic opportunity for themselves and their children by working together in a long-term, positive relationship for the purpose of ensuring upward mobility;

(ii) are designed to empower such individuals and their families to better organize their time and focus their activities on productive endeavors while providing them extra resources to do so;

(iii) may be:

(A) short-term, conducted over a year or two years and aimed at helping families achieve very basic goals, such as avoiding homelessness and hunger; or

(B) long-term with far more ambitious goals for upward mobility; and

(iv) would require that participating individuals and families, government entities, and not-for-profit partners have equal rights to hold each other accountable for plan outcomes and funding.

b. Pilot projects authorized by paragraph a of this subdivision shall be carried out for a one year period in each of the fiscal years two thousand twenty-four through two thousand twenty-seven.

4. a. The commissioners shall each create grant application processes to competitively make grants to eligible entities to aid target populations. To be eligible to receive a grant for a fiscal year under this section, eligible entities shall submit to the appropriate commissioner an application that contains a description of how the applicant proposes

to use the grant funds to implement the components of the pilot projects authorized by this section. Applications shall be submitted in such form, at such time, and containing such other information as the commissioners may require.

b. If one of the commissioners finds it appropriate, that commissioner may use cooperative agreements for purposes of making grants under this section.

c. Grants made under this section shall range in amounts from two hundred fifty thousand dollars to three million dollars, and should be proportionate to the geographical size, project complexity, and number of individuals participating in each project. Eligible entities may receive grants made under this section by two or more of the commissioners. To the extent funds are available, each commissioner shall make no fewer than eight such grants annually.

d. To the extent practicable, the commissioners shall make grants for pilot projects that operate statewide, as well as pilot projects designed to serve specific rural, urban, and suburban areas. To the extent practicable, pilot projects for which grants are made shall be distributed among diverse administrative regions by the office of temporary and disability assistance and the department of health.

e. For purposes of making grants under this section, preference shall be given for pilot projects that:

(i) serve individuals in historically underserved, high-poverty, rural or urban communities;

(ii) simultaneously test both HOPE accounts and HOPE action plans;

(iii) involve low-income individuals as equal partners in project planning and implementation;

(iv) make additional funds available directly to low-income households through action plans, either through government payments or through not-for-profit organization subgrantees;

(v) are matched by considerable non-state funds without penalizing very-low income, underserved rural and urban communities that cannot provide non-state matching funds;

(vi) propose concrete plans for long-term sustainability and expansions without future federal or state grant funds;

(vii) assist low-income households to apply for the federal earned income tax credits and state tax credits;

(viii) provide resources in both English and additional languages commonly spoken in the applicable area;

(ix) prioritize client-facing, fully tested technology and mobile device applications;

(x) include a robust monitoring and evaluation planning and reporting plan, including proposed staffing and reporting for that plan, including reporting on the extent to which the pilot makes it easier, quicker, and less costly for low-income individuals to access a variety of benefits, the extent to which the pilot will save administrative funds over the long-run, the extent to which the accuracy and integrity of the benefits programs included are maintained or improved, and the extent to which low-income households are able to more easily obtain free or low-cost banking services;

(xi) subcontract part of the pilot project implementation work to United States-based private businesses, banks, savings and loans, credit unions, co-ops and not-for-profit organizations described in section 501(c)(3) of the United States Internal Revenue Code which has tax exempt status under section 501(a) of such code with relevant, successful experience in similar or related project activities;

(xii) incorporate a benefits calculator to enable applicants to learn how the receipt of some benefits might or might not impact whether they are eligible for other benefits and might impact the amount of those other benefits for which they are eligible;

(xiii) include planning and funding for the pilot entities to train their staffs and clients to utilize the new technologies;

(xiv) in rural and other areas without strong broad-band service, integrate activities under the grant with other activities to strengthen local broad-band service;

(xv) enable low-income individuals to obtain free or reduced-price smart phones and free or reduced-price data services;

(xvi) ensure that individuals without personal smart phone, tablet, or computer access are able to benefit from the systems and technological improvements in the pilot projects at public locations such as public libraries, community centers, and social services offices;

(xvii) propose a detailed, workable plan to thoroughly beta test and field test any new technologies or systems in the pilot project before making such technologies or systems available to all households, individuals, or the entire pilot area; and

(xviii) identify the applicable federal, state, local, or Indian tribe statutory and regulatory authorities, including waiver authorities, to be potentially leveraged to most effectively implement the proposed pilot project.

5. a. The commissioner of health, in consultation with the commissioner for the office of temporary and disability assistance, shall hold a merit-based competition to award HOPE technology innovation contracts to state based private businesses and not-for-profit organizations described in section 501(c)(3) of the United States Internal Revenue Code which has tax exempt status under section 501(a) of such code with relevant, successful experience in technology, to create technology, including mobile applications, widgets, and templates that pilot entities can use to create HOPE accounts.

b. The commissioner of health shall award no more than ten and no fewer than two such contracts each fiscal year.

c. Such contracts may range in size from two hundred thousand dollars to four million five hundred thousand dollars.

d. All technologies developed with funding provided under this subdivision shall be open-sourced and available to the public for free.

e. No contractor shall have access to any client or household data through a project under this section, unless such contractor is a contractor or subgrantee for a pilot entity, in which case such contractor may have limited, functional access to such data. In no case shall a contractor share or sell client or household data.

f. In making awards under this subdivision, the commissioner of health shall give preference to applicants that ensure the following with respect to the applicable technology:

(i) client-facing technology with top preferences mobile device applications and uses and secondary preferences to tablet and computer and texting uses;

(ii) incorporate fail-safe systems to maintain the privacy and security of data;

(iii) are easily adaptable at the lowest possible financial costs with the least possible staff time by pilot entities and other state, county, city, municipal, and Indian tribal governments in a manner that can easily be utilized by low-income individuals; and

(iv) build in the ability to be easily updated as technologies evolve.

6. None of the pilot projects carried out under this section shall do any of the following:

a. Decrease the overall monetary value of federal, state, local or Indian tribe government funding assistance given to any individual or family, although all entities involved could independently, or jointly, increase funding under such projects.

b. Decrease the overall federal, state, local or Indian tribe government funding for antipoverty programs spent by participating pilot communities and agencies, although all entities involved may independently, or jointly, increase funding.

c. Lengthen the amount of time or increase the requirements necessary to receive any government benefits, or in any way make it more difficult to obtain any form of government assistance.

d. Limit the legal rights of anyone in the target populations to receive government or not-for-profit organization assistance.

e. Decrease overall public sector employment in any eligible pilot community, but public employees may be transferred at similar or higher salaries and pay grades from positions that oversee paperwork to positions that provide direct services to the public, assuming such transfers do not violate collective bargaining agreements or their other rights as public employees.

f. Decrease or increase work requirements for existing government programs.

g. Reduce program integrity measures or increase the possibility of fraud in any government program.

h. Track or monitor the physical location or immigration status of immigrants, be used for any immigration enforcement activity against any individuals, or be used to provide any data whatsoever to agencies involved in immigration enforcement activities or policy.

i. Enable any pilot entity or contractor, subcontractor or partner of any pilot entity to share or sell client or household data obtained through those projects.

j. Eliminate the existing ability of applicants to apply for, recertify, or manage government benefits by physically visiting a government office.

7. a. No later than September thirtieth of each of the fiscal years two thousand twenty-four through two thousand twenty-eight, the commissioners shall submit to the governor, the temporary president of the senate and the speaker of the assembly, a report on the results of all the pilot projects created pursuant to this section.

b. Each report submitted pursuant to paragraph a of this subdivision shall include detailed data on the extent to which the pilot project makes it easier, quicker, and less costly for low-income individuals to access a variety of benefits, the extent to which the pilot project will save administrative funds over the long-term, the extent to which the accuracy and integrity of the benefits programs included are maintained or improved, and the extent to which low-income households are able to more easily obtain free or low-cost banking services.

§ 2. The sum of forty-nine million dollars ($49,000,000), or so much thereof as may be necessary, is hereby appropriated for each of the fiscal years 2024 through 2027 out of any moneys in the state treasury in the general fund to the credit of the local assistance account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act as follows:

(i) The sum of ten million dollars ($10,000,000) shall be appropriated to the commissioner of the office of temporary and disability assist-

ance, of which five hundred thousand dollars ($500,000) shall be used internally by the office of temporary and disability assistance for staff and other expenses to plan, award, and oversee pilot projects under this act and nine million five hundred thousand dollars ($9,500,000) shall be available for grants under section one of this act;

(ii) The sum of fifteen million dollars ($15,000,000) to the commissioner of health, of which five hundred thousand dollars ($500,000) shall be used internally by the department of health for staff and other expenses to plan, award, and oversee pilot projects under this act and nine million five hundred thousand dollars ($9,500,000) shall be available for grants under section one of this act.

(iii) Of the amount appropriated for a fiscal year to carry out this act, at least 10 percent shall be allocated to provide assistance in persistent poverty counties. For purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990, 2000, and 2010 decennial censuses.

Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the office of temporary and disability assistance or the commissioner of health, as necessary and in the manner prescribed by law.

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.